

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOSHUA CORDOVA *on his own behalf,*  
*and on behalf of all others similarly situated,*

Plaintiff,

v.

CIV 16-0460 KG/KBM

JODY JENKINS and  
JENKINS, WAGNON & YOUNG, P.C.,

Defendants.

ORDER GRANTING IN PART MOTION TO STRIKE ANSWER AND  
DEEM CERTAIN MATTERS ADMITTED (DOC. 25)

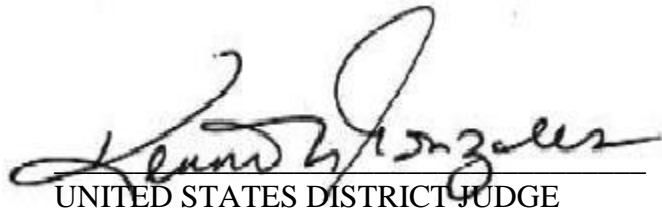
This matter comes before the Court on Plaintiff's Motion to Strike Defendants' Answer or Deem Matters Admitted (Motion), filed on May 24, 2017. (Doc. 25). Defendants filed a response on June 7, 2017, and Plaintiffs replied on June 21, 2017. (Docs. 29 and 31). On November 7, 2017, the Court held a hearing on the Motion. At the hearing, Nicholas Mattison represented Plaintiff and Charles J. Vigil represented Defendants.

Having considered the Motion, the accompanying briefing, the relevant law, and arguments of counsel at the hearing, and for the reasons stated in the record, the Court GRANTS in part and DENIES in part the Motion (Doc. 25). Specifically, the Court finds that Defendants' responses do not sufficiently admit or deny the Complaint's allegations, as required by Fed. R. Civ. P. 8(b)(1). As such, the Court grants Plaintiff's requested relief of ordering an amended Answer, but denies the requested remedies of deeming allegations admitted under Rule 8(b)(6) or striking the Answer under Fed. R. Civ. P. 12(f).

THEREFORE, IT IS ORDERED that Defendant file an amended Answer which sufficiently responds to the allegations contained within the Complaint, as required by Rule 8.

The amended Answer shall be filed no later than November 17, 2017.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Kenneth H. Jones", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE